

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

1. The petitioner is a single woman who receives Social Security disability benefits of \$606 and SSI of \$18 a month. The petitioner has a twenty-two-year-old son who attends college in another state, but who stays in the petitioner's

home on school vacations. Child support payments to the petitioner on behalf of her son ended in September 2003.

2. The petitioner applied for EA and GA in November 2003 (Fair Hearing No. 18,754) for rent, utilities, transportation, and food because she no longer has sufficient income to pay all her expenses. At that time the Department granted the petitioner GA for an overdue electric bill and it indicated at the hearing (held on December 3, 2003) that it would pay an overdue gas bill. However, the Department has denied the petitioner's application for GA for rent and medical transportation.

3. The Department denied the petitioner's November request for GA to cover her costs in driving her own car to physical therapy appointments in another town. The petitioner did not allege either that it is medically necessary for her to drive to another town to receive such services or that, even if it were, Medicaid transportation services would not be available to her for this purpose.

4. The Department denied the petitioner's applications for GA for rent on November 14 (Fair Hearing No. 18,754) and December 16, 2003 (Fair Hearing No. 18,804). On the dates of the hearings in these matters (December 3 and 31, 2003 respectively) the petitioner again did not allege that she was

facing an imminent eviction from her home. She again argued that she should receive GA for her rent because she no longer has enough income to pay this and her other basic living expenses.

ORDER

The Department's decisions is affirmed.

REASONS

Emergency Assistance (EA) is payable only to households "on behalf of a needy child under the age of 21". W.A.M. § 2800. Inasmuch as the petitioner does not have such a child in her household she cannot be eligible for EA.

Unlike EA, the General Assistance (GA) program is entirely state funded and administered. See 33 V.S.A. §§ 2101 *et seq.* Although the petitioner continues to argue otherwise (see Fair Hearing No. 18,745), it is clear that the federal statutes and regulations governing the TANF, Food Stamps, SSI, and Medicaid programs do not pertain to GA.

The GA regulations provide that households with income in excess of the Reach Up Financial Assistance (RUFA) maximum can only receive additional financial assistance if they are experiencing a "catastrophic situation". See W.A.M. 2600 et. seq. The petitioner's monthly income (\$624) is in excess of

the RUFA payment level of \$458 for a one-person household.

W.A.M. §§ 2244-2249.

The GA regulations limit defined catastrophic situations to the following:

1. Death of a spouse or a minor dependent child.
2. The presence of an emergency medical need . . .
3. A natural disaster such as a flood, fire, or hurricane.
4. A court-ordered or constructive eviction . . . due to circumstances over which the applicant had no control. . .

W.A.M. 2602.

As set forth above (and as discussed in Fair Hearing No. 18,745), the petitioner's allegations in these matters do not indicate that she is presently facing the kind of emergency situation contemplated by the above regulations. With her recent reduction in income, however, it does not seem unlikely that she could be facing more such situations in the future. She is, of course, free to reapply for GA if and when she should find herself in any of the above-defined situations. Unfortunately, however, GA is not intended to provide supplemental income to meet ongoing basic living expenses for individuals with income from other sources in excess of the program maximum. It must be concluded that the Department's

decisions in this matter are in accord with its regulations and must, therefore, be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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